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FISCAL IMPACT STATEMENT

LS 6550

BILL NUMBER: HB 1454

NOTE PREPARED: Dec 16, 2008

BILL AMENDED:

SUBJECT: Limits on Sex Offenders as Guardians or Custodians.

FIRST AUTHOR: Rep. Burton

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a court from appointing a person to serve as a guardian or to continue to serve as a guardian if the person committed certain sex offenses. This bill prohibits a court or juvenile court from permitting a person to serve as a guardian or custodian if the person was convicted as an adult of certain sex offenses that the person committed when the person was less than 18 years of age.

Effective Date: Upon passage.

Explanation of State Expenditures: This bill will decrease the number of potential guardians or custodians that can be appointed to a child. A decrease in the number of potential guardians and custodians may increase state expenditures on foster care. Foster care expenses are paid by the Department of Child Services (DCS). Any added costs will depend on whether a child would need to be placed in foster care.

The bill removes the following individuals from eligibility to serve as a custodian or guardian: (1) sexually violent predators, (2) individuals that were at least 18 years of age and were convicted of qualifying child molestation offenses, and (3) were less than 18 years of age at the time of an offense but was tried and convicted as an adult of certain qualifying offenses listed in the legislation. This law will apply to court appointments of guardians and custodians to all cases acted on after the effective date, including currently pending cases acted on after the effective date.

It is assumed that few persons with sex crime histories petition a court with juvenile jurisdiction for either guardianship or custodianship. Under current practice, juvenile court judges will likely consider the criminal history of a person who is petitioning the court for guardianship or to serve as a child's custodian.

Background Information: DCS reports that some state expenses for foster care are reimbursed through the federal IV-B or IV-E program. Reimbursement amounts depend on qualifying state expenditures.

Explanation of State Revenues:

Explanation of Local Expenditures: Under this bill, it will be the responsibility of the courts to perform checks of individuals who are to be appointed as either a guardian or a custodian of a child. This will increase the workload of courts with juvenile jurisdiction to ensure that appointed guardians and custodians do not have a qualifying offense mentioned in the legislation.

The types of guardianship under a juvenile court's jurisdiction in this bill are limited to Child in Need of Services (CHINS) hearings and do not include custodianship or guardianship under divorce hearings.

Background Information: Prior to July 1, 2006, courts had the discretion to deny guardianship or custodianship of a child if a person had prior sex crime convictions. Beginning July 1, 2006, juvenile courts were not permitted to appoint a person as a guardian or custodian of a child if the person was a convicted sex offender.

Explanation of Local Revenues:

State Agencies Affected: DCS.

Local Agencies Affected: Courts with juvenile jurisdictions.

Information Sources: Indiana Code; Ann Houseworth, DCS.

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